

Wade
WatsonWilson
Word

Nays—4

Bates
HardemanHerring
Patman

Absent

Berry
Cole
ConnallyMoore
Parkhouse**House Bill 584 on Second Reading**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 584, A bill to be entitled An Act amending Paragraph (b), Subsection 5 of Section 10, of Chapter 470, Acts of the Regular Session, 45th Legislature, 1937, as amended by Chapter 530, Acts Regular Session, 54th Legislature, 1955, and further amended (codified as Subsection 5(b), Section 10, Article 2922-1, Vernon's Civil Statutes of Texas); to provide for the payment of a Five Dollar (\$5.00) annual membership fee by each member of the Texas Retirement System; and declaring an emergency.

The bill was read second time and passed to third reading.

House Bill 584 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 584 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin
Bates
Bernal
Berry
Blanchard
Brooks
Christie
Cole
Connally
Creighton
Grover
Hall
HardemanHarrington
Hazlewood
Herring
Hightower
Jordan
Kennard
Mauzy
Moore
Parkhouse
Patman
Ratliff
Reagan
SchwartzStrong
Wade
WatsonWilson
Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Welcome and Congratulatory Resolutions

S. R. No. 331—By Senator Patman: Extending welcome and privileges of the floor for the day to Garland Novosad.

S. R. No. 332—By Senator Brooks: Commending Karen Gibson and Kay Greer for their heroism.

Adjournment

On motion of Senator Hardeman the Senate at 11:47 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, April 3, 1967.

FORTY-FIRST DAY

(Monday, April 3, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin

Bates

Bernal

Berry

Brooks

Christie

Cole

Connally

Creighton

Grover

Hall

Hardeman

Harrington

Hazlewood

Herring

Hightower

Jordan

Kennard

Mauzy

Moore

Parkhouse

Patman

Ratliff

Reagan

Schwartz

Watson

Wilson

Word

Absent—Excused

Blanchard
Strong

Wade

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of

the Journal of the proceedings of Thursday, March 30, 1967, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Wade was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senator Strong was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Blanchard was granted leave of absence for today on account of important business on motion of Senator Word.

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 3, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 79, Congratulating Dr. Addison E. Lee.

H. J. R. No. 18, A Joint Resolution proposing an amendment to Section 5, Article III, Constitution of the State of Texas, as amended, to provide for annual legislative sessions.

H. J. R. No. 28, A Joint Resolution proposing an amendment to Article III, Constitution of the State of Texas, by adding a new Section 52a to give the Legislature the power to authorize cities and counties to issue revenue bonds for industrial development purposes.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 14, Granting Nassau, Inc. permission to sue the State of Texas.

S. C. R. No. 22, Granting Commercial Standard Fire & Marine Company permission to sue the State of Texas.

Reports of Standing Committee

Senator Aikin submitted the following reports:

Austin, Texas,
April 3, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 453, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 3, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 78, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 3, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 15, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

AIKIN, Chairman.

C. S. S. B. No. 15 was read the first time.

Senate Joint Resolution 37 on First Reading

Senator Parkhouse moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained:

The motion prevailed by the following vote:

Yeas—28

Aikin
Bates
Bernal

Berry
Brooks
Christie

| | |
|------------|-----------|
| Cole | Kennard |
| Connally | Mauzy |
| Creighton | Moore |
| Grover | Parkhouse |
| Hall | Patman |
| Hardeman | Ratliff |
| Harrington | Reagan |
| Hazlewood | Schwartz |
| Herring | Watson |
| Hightower | Wilson |
| Jordan | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senators Parkhouse, Wade and Mauzy:

S. J. R. No. 37, Proposing an amendment to Article III, Constitution of the State of Texas, by adding a new Section 52e to give Dallas County the power to issue bonds under Article III, Section 52 of the Constitution for the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof, upon a vote of a majority of the resident property taxpayers voting thereon who are qualified electors of said county, and to provide that bonds heretofore or hereafter issued under Sub-sections (a) and (b) of said Section 52 shall not be included in determining the debt limit prescribed in said section, and fixing the date for the election on the adoption of said amendment.

To the Committee on Constitutional Amendments.

Senate Bill 542 on First Reading

Senator Cole moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

| | |
|----------|------------|
| Aikin | Connally |
| Bates | Creighton |
| Bernal | Grover |
| Berry | Hall |
| Brooks | Hardeman |
| Christie | Harrington |
| Cole | Hazlewood |

| | |
|-----------|----------|
| Herring | Patman |
| Hightower | Ratliff |
| Jordan | Reagan |
| Kennard | Schwartz |
| Mauzy | Watson |
| Moore | Wilson |
| Parkhouse | Word |

Absent—Excused

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|-----------|------|
| Blanchard | Wade |
| Strong | |

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Cole:

S. B. No. 542, A bill to be entitled "An Act amending Subsection (1) of Article 4565d and Article 4565g of Vernon's Annotated Civil Statutes of Texas as amended by Sections 1 and 2 of Senate Bill No. 104, Chapter 240 of the General and Special Laws of Texas, 55th Legislature, Regular Session, 1957, providing that Ophthalmic Dispensers may fit contact lenses upon the written prescription or at the direction of a licensed physician; providing for savings and severance clauses and declaring an emergency."

To the Committee on Public Health.

Senate Bill 543 on First Reading

Senator Brooks moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Brooks:

S. B. No. 543, A bill to be entitled "An Act relating to exempting certain manufacturers, distributors and jobbers of fireworks from certain city ordinances; adding Section 14a to Chapter 498, Acts of the 55th Legislature, Regular Session, 1957 (Article 1725, Vernon's Texas Penal Code); and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 544 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

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|-----------|------|
| Blanchard | Wade |
| Strong | |

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 544, A bill to be entitled "An Act amending Article 2803b of the Revised Civil Statutes of the State of Texas, 1925, to make said Act applicable to any type of school district, to eliminate the necessity of any type of election in the receiving district, repealing all laws and parts of laws in conflict herewith to the extent of the conflict; providing that said Act shall be cumulative of other

existing laws relating to the annexation of school districts; and declaring an emergency."

To the Committee on Education.

Senate Bill 545 on First Reading

Senator Hall moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Hall:

S. B. No. 545, A bill to be entitled "An Act relating to certain eligibility requirements for participation in University Interscholastic League contests; and declaring an emergency."

To the Committee on Education.

Senate Resolution 344

Senator Hardeman offered the following resolution:

Whereas, The vast area that is now the State of Alaska and the largest state in our great Union was acquired one hundred years ago from Russia, when the treaty negotiated by Wm. H. Seward, Secretary of State under President Andrew Johnson, was signed on March 30, 1867; and

Whereas, Only superlatives can describe the majesty that is Alaska; northernmost Pt. Barrow, its flat,

treeless tundra and sub-zero temperatures; the great Brooks Range, with splendid Mt. Chamberlain, Mt. Micholson, and Mt. Alapah; Central Alaska, with mountains, valleys and plateau pierced by the beautiful Yukon River on its meandering course to the Bering Sea; the major Alaska Range, where towers Mt. McKinley, at 20,320 feet the highest point in North America; the Panhandle, scenic world of wonder where the land drops steeply to the sea to create a half moon of craggy fjords; Katmai National Monument, northwest of the Gulf of the Aleutian Range, the volcanic mountains and Valley of 10,000 Smokes; and the huge Muir Glacier, 2 miles wide and 250 feet tall, the Glacier Bay National Monument; and

Whereas, The treasures of this mighty land, bought for only \$7.2 million, are equally awesome; the legendary gold-rush days of 1896 are long past, but gold production last year was valued at more than \$1.5 million; oil has replaced the early importance of gold, and the economy of Alaska and the entire nation was stimulated by nearly \$34 million from this resource in 1966; other important minerals include coal, natural gas, mercury, uranium, platinum—to name a few; the splendid forests of spruce, yellow cedar and hemlock, red cedar and birch, add annually an estimated \$89 million through manufacture into lumber and other wood products; Alaskan fisheries are fabled the world over, and commercial production averages more than \$56 million each year; wildlife flourishes to provide the magnificent furs—seal, sable, ermine, land otter, muskrat, beaver and the rest—which warm and adorn the most beautiful women in the world; and

Whereas, The lore and history of this great land read stranger than fiction—and far more interesting—and the names and places tinge the imagination with colors and hues more intense than those on the artist's palette: there's Skagway, historic entry to the Klondike gold fields, via Chilkoot Pass and White Pass; Ketchikan must certainly be a play on words, centering as it does the famous salmon industry; Anchorage, Alaska's largest city, sits at the head of Cook Inlet, named for the famous British explorer who visited the western coast in 1776; the Bering Strait, carrying the name of Alaska's discoverer, Vitus Bering, a Dane employed

by Russia; Valdez, on the Gulf, first reached by Spaniards in 1790; the Pribilof group, a name reminiscent of Russian ownership; and words like Unimak, Umnak and Attu, in the Aleutian Islands; and

Whereas, The heritage of Alaska—of Indian, Eskimo, Aleut, Scandinavian, Spaniard, Russian, English, French and American—has been melded from the adventurous spirit, the hardihood of all those who accepted the challenge not to tame this great bastion of the far Northwest, but to accommodate themselves to its demands; not to deplete nature's bounty and ravage its beauty, but to use it judiciously and conserve it for those who follow; and

Whereas, After the Alaskan Purchase on March 30, 1867, called "Seward's Folly," which was succeeded by the formal transfer of the territory to the United States on October 18, 1867, Alaska was designated a District and did not become an Organized Territory until August 24, 1912; nearly a half century elapsed before Alaska was voted into the Union on June 30, 1958, and on January 3, 1959, was officially proclaimed the 49th state by Dwight D. Eisenhower, the first native Texan to serve the United States of America as President; and

Whereas, Fabulous and legendary characters contributed to the romantic and interesting sagas emanating from this land of promise including such as the late Tex Rickard, a native Texan known as "The Magnificent Rube," who operated a saloon, "The Northern," in Dawson during gold-rush days and later gained fame as a boxing promoter of international renown. It was this era which inspired the nostalgic poems of "The Face on the Barroom Floor" and "The Shooting of Dan McGrew"; and

Whereas, The same spirit which brought about the settlement, the growth and development of Alaska, pervaded the Texas frontier, and perhaps this, in part, has welded the bond of close friendship and camaraderie which Texans feel for Alaskans; which makes the Senate of Texas, at this time, pause to recognize a great sister state and congratulate her and those who sit in the legislative halls at the beautiful capital city of Juneau, as they begin the celebration of Alaska's centenary in the American Republic; now, therefore, be it

Resolved, That the Senate of the 60th Legislature of the State of Texas does hereby pay its respect to the State of Alaska and to all those courageous men and women of many cultures and many nationalities who brought this great northland through 100 years of progress under the Flag of the United States of America; and, be it further

Resolved, That copies of this resolution be forwarded to the Honorable Walter J. Hickel, Governor of Alaska; to the President of the Senate of Alaska; to the United States Senators from Alaska, Edward L. Bartlett and Earnest Gruening; and to the Honorable H. W. Pollock, United States Representative, as an expression of esteem and good wishes for the State of Alaska from the Senate of Texas.

HARDEMAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Grover and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Concurrent Resolution 45

Senator Watson offered the following resolution:

S. C. R. No. 45, Providing for the Texas Legislative Council to make a study of Texas programs designed to stimulate the industrial growth of Texas and other matters, and designating certain agencies and providing a Citizens Advisory Committee to assist in this study.

Whereas, Efforts to attract new industry to Texas and provide the impetus for expansion programs in existing industry require diligent and constant appraisal of all factors influencing plant location; and

Whereas, Among the most important influences on the location or expansion of industry is the availability

of labor force, of the skilled technician who is the pilot man between the scientist and engineer and the craftsman and supervisor; and

Whereas, The increasing demands of modern technology have been recognized in the larger industrial states of the nation, and training programs have been inaugurated so that the supply of workers can be quickly trained or retrained to meet requirements; and

Whereas, To Texas, every 100 new jobs in manufacturing means \$710,000 per year in additional personal income, another \$331,000 per year in retail sales, and 65 new jobs in non-manufacturing enterprises; and

Whereas, A state training program for industrial technicians and other workers could be one of the greatest incentives in attracting new industry and industrial growth and expansion, and most of the leading industrial states have inaugurated training programs of this type; and

Whereas, The competitive position of the State of Texas with respect to industrial development programs and methods of improving and increasing the industrial growth rate in Texas is of vital importance to the economy and well-being of this state; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to make a comprehensive study of Texas programs designed to stimulate the industrial growth of Texas, as well as programs whereby some of the major industrial states of the nation are responding to industrial needs; and, be it further

Resolved, That the study include a survey of facilities existing in Texas which might be utilized or adapted to use in providing competent training programs for industrial workers; and, be it further

Resolved, That the Texas Education Agency, the Texas Employment Commission, the Texas Industrial Commission, the James Connally Technical Institute and other state or federal agencies or institutions, which have functions and duties relating to industrial development, be requested to assist the Texas Legislative Council with statistical and other information adaptable to the needs of the study; and, be it further

Resolved, That the council receive further assistance on the study from a special 12-member Citizens Advisory Commission, to be appointed by the Lieutenant Governor and composed of: (a) six persons from industry, two representing a business employing 20 or fewer persons, two representing a business employing from 21 to 499 persons; and two representing a business employing more than 500 persons; (b) two persons representing organized labor; and (c) four persons who are civic leaders in their communities, two from the standard metropolitan statistical areas of the state and two from smaller Texas cities; and, be it further

Resolved, That the council report its findings and recommendations, together with drafts of such legislation as it may deem desirable, to the Regular Session of the 61st Legislature.

The resolution was read.

On motion of Senator Watson and by unanimous consent the resolution was considered immediately and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

Committee Substitute Senate Bill 15 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent C. S. S. B. No. 15 was ordered not printed.

Senate Bills 161 and 244 Laid on Table Subject to Call

On motion of Senator Hightower and my unanimous consent S. B. Nos. 161 and 244 were Laid on the Table Subject to Call.

Senate Concurrent Resolution 46

Senator Schwartz offered the following resolution:

S. C. R. No. 46, Creating an interim committee to study problems peculiar to the various beaches of Texas.

Whereas, The Texas coastline and beautiful white-sand beaches extend more than 1,150 miles as shoreline, bays, and inlets along the Gulf of Mexico; and

Whereas, Certain problems exist in

connection with the development of these beaches relating to the procuring of right-of-way and highway construction, methods of procuring easements for egress and ingress, provision for adequate parking areas, the rights of landowners and abutting property owners, establishment and development of beach parks, and other matters; and

Whereas, These beaches constitute one of the greatest physical assets of this state, both for tourism and recreational development; and

Whereas, It is imperative that the State of Texas exercise safeguards to the end that all beach development shall be undertaken and carried forward to serve the best interests of Texas and Texas citizens; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That an interim committee be created to make a study of problems peculiar to the various beaches of Texas. This Committee to Study Texas Beaches shall be composed of three Representatives, to be appointed by the Speaker of the House of Representatives; three Senators, to be appointed by the Lieutenant Governor of the state; and, as ex-officio members, the Land Commissioner of the State of Texas, or a representative appointed by such Land Commissioner; the Chief Engineer of the Highway Department of the State of Texas, or a representative appointed by the Chief Engineer; and one citizen of the state, appointed by the Governor. The expense incurred by the legislative members of the committee in performing their duty shall be payable one-half out of the Contingent Expense Fund of the House and one-half out of the Contingent Expense Fund of the Senate; and, be it further

Resolved, That the interim committee shall conduct the study and make its report and recommendations to the 61st Legislature; and, be it further

Resolved, That the report of the special interim committee shall cover the following subjects:

a. The most practical method of procuring the right-of-way necessary for construction of essential parallel highways and vehicular parking areas to facilitate access to the beach, all to be situated landward and above the beach;

b. Method of procuring easements for egress and ingress between such parking areas and the beach;

c. Procedure for negotiation and execution of cooperative agreements between the state and affected landowners for acquisition by gift or purchase of such rights-of-way and easements;

d. Recognition of rights in such landowners to construct works, including groins, for the protection of their property and meeting the standards to be prescribed in such legislation;

e. Method of negotiations with landowners for additional easements or deeds for park areas adjacent to the beach, for the use and pleasure of the public, provided such lands or easements can be obtained without cost to the state;

f. Any change necessary to bring general legislation into conformity with the fixed procedures applicable to National Seashore Areas, to the extent that lands along the coast may be designated to a National Seashore Area; and

g. Such other related matters as in the opinion of the interim committee should be included in such report so as to facilitate the development of Texas beaches as public recreational areas and to further their development as a tourist attraction.

SCHWARTZ
REAGAN
HARRINGTON
GROVER
JORDAN
PATMAN
BATES
BROOKS
CHRISTIE
COLE
MAUZY
HALL
KENNARD

The resolution was read and was referred to the Committee on State Affairs.

House Concurrent Resolution 79 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 79, Extending congratulations to Dr. Addison E. Lee of The University of Texas.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 70 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 70, Congratulating the Tulia Hornets girls' basketball team.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 71 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 71, In memory of Johnny Keane.

The resolution was read.

On motion of Senator Cole and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 94, to Committee on Agriculture and Livestock.

H. B. No. 208, to Committee on Labor and Management Relations.

H. B. No. 252, to Committee on Agriculture and Livestock.

H. B. No. 271, to Committee on Jurisprudence.

H. B. No. 298, to Committee on Insurance.

H. B. No. 365, to Committee on State Affairs.

H. B. No. 484, to Committee on Education.

H. B. No. 509, to Committee on Public Health.

H. B. No. 694, to Committee on Military and Veterans Affairs.

H. B. No. 876, to Committee on Finance.

H. J. R. No. 3, to Committee on Constitutional Amendments.

H. J. R. No. 34, to Committee on Constitutional Amendments.

Messages From the Governor

The following messages received from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas,
March 29, 1967.

To the Senate of the Sixtieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Directors of the Upper Colorado River Authority, for six-year terms to expire January 1, 1973: G. C. Allen of Robert Lee, Coke County; Fred Conn of San Angelo, Tom Green County; T. A. Smith of Winters, Runnels County.

To be members of the Board of Directors of the Lavaca County Flood Control District Number Three: for two-year terms to expire January 1, 1969: Robert Pesek of Hallettsville, Lavaca County; James Bozka of Hallettsville, Lavaca County.

To be a member of the Texas Liquor Control Board, for a term to expire November 15, 1971: Alfred W. Negley of San Antonio, Bexar County.

To be a member of the Board of Directors of the Upper Neches River Municipal Water Authority, to fill the unexpired term of A. L. Dear, resigned, term to expire January 1, 1971: Wright Matthews of Palestine, Anderson County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas

Austin, Texas,
March 30, 1967.

To the Senate of the Sixtieth Legislature:

I ask the advice, consent, and con-

firmation of the Senate with respect to the following appointments:

To be members of the State Board of Examiners in the Basic Sciences, for terms to expire July 23, 1971: Dr. W. Mayne Longnecker of Dallas, Dallas County; Dr. Virgil Tweedie of Waco, McLennan County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas

Senate Bill 247 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 247, A bill to be entitled "An Act amending Article 2.12, Code of Criminal Procedure of Texas, 1965, relating to definition of the term "peace officer"; and declaring an emergency."

The bill was read second time.

Senator Brooks offered the following Committee Amendment to the bill:

Amend S. B. No. 247 by striking all below the enacting clause and substituting the following:

Section 1. Article 2.12, Code of Criminal Procedure of Texas, 1965, is amended to read as follows:

"Article 2.12 Who are peace officers
The following are peace officers: The sheriff and his deputies, constable, deputy constable, marshal or policemen of an incorporated town or city, the officers, noncommissioned officers and privates of the State Ranger Force and Department of Public Safety, law enforcement agents of the Texas Liquor Control Board, each member of an arson-investigating unit of a city, county, or the State, and any private persons especially appointed to execute criminal process."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended.

The Committee Amendment was read.

Senator Mauzy offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to S. B. 247 by removing the period at the end of Section 1 and adding the following:

"when approved by the Commissioners Court and in accordance with the laws and Constitution regulating the appointment of constables and their deputies."

The amendment was read and was adopted.

The Committee Amendment as amended was then adopted.

On motion of Senator Brooks and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 247 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 247 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Brooks | Moore |
| Christie | Parkhouse |
| Cole | Patman |
| Connally | Ratliff |
| Creighton | Schwartz |
| Grover | Watson |
| Hall | Wilson |
| Harrington | Word |
| Herring | |

Nays—2

| | |
|----------|--------|
| Hardeman | Reagan |
|----------|--------|

Absent

Hazlewood

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Schwartz |
| Hall | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Nays—2

| | |
|----------|--------|
| Hardeman | Reagan |
|----------|--------|

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

Senate Bill 231 on Second Reading

On motion of Senator Bernal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 231, A bill to be entitled "An Act fixing the maximum salary for the county road engineer in certain counties; amending Section 1, Chapter 68, Acts of the 58th Legislature, Regular Session, 1963 (Article 3912j, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 231 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that

S. B. No. 231 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

Senate Bill 301 on Second Reading

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 301, A bill to be entitled "An Act amending Article 4495 of the

Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the composition of the Texas State Board of Medical Examiners; their qualification; terms of office, their appointment; and amending Article 4506, of the Revised Civil Statutes of Texas, 1925, as amended, so as to grant authority to the Texas State Board of Medical Examiners to probate its orders to revoke, cancel, or suspend the license of a practitioner; providing the procedure whereby such probation may be effectuated; repealing laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend Section 1 of S. B. 301 by adding in the third sentence (line 14) after the words "appointed by the Governor of the State," the following language: "and confirmed by the Senate,".

The amendment was read and was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 301 on Third Reading

Senator Ratliff moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 301 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

Blanchard Wade
Strong

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

Blanchard Wade
Strong

Senate Bill 396 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 396, A bill to be entitled "An Act authorizing issuance to certain associations of teachers or school administrators of group insurance policies covering any class or classes of their members and members' dependents for one or more of the risks herein enumerated; providing that such policies may be issued to any such association as the policyholder upon the terms and conditions set out in this act, notwithstanding contrary or inconsistent provisions in any other act contained; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 396 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that

S. B. No. 396 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

Blanchard Wade
Strong

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 459 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 459, A bill to be entitled "An Act amending Section 9 and Section 10, Chapter 721, Acts of the 59th Legislature, Regular Session, 1965 (Uniform Commercial Code); and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend S. B. No. 459 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Subsection (1) of Section 9-302, Chapter 721, Acts 59th Legislature, Regular Session, 1965 (Uniform Commercial Code) is hereby amended to read as follows:

"(1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under Section 9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under Section 9-304 or in proceeds for a 10 day period under Section 9-306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of \$2,500; but filing is required for a fixture under Section 9-313 and compliance with subsections (3) and (4) of this section is required for a motor vehicle or other vehicle required to be registered;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under Section 9-313 and compliance with subsections (3) and (4) of this section is required for a motor vehicle or other vehicle required to be registered;

(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (Section 4-208) or arising under the Article on Sales (see Section 9-113) or covered in subsection (3) of this section."

Section 2. Subsection (3) of Section 9-302, Chapter 721, Acts 59th Legislature, Regular Session, 1965, is hereby amended to read as follows:

"(3) The filing provisions of this Article do not apply to a security interest in property subject to a statute.

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of this state which provides for central filing of, or which requires indication on a certificate of title of, such security interests in such property, unless such property is inventory."

Section 3. Subsection (4) of Section 9-302, Chapter 721, Acts 59th Legislature, Regular Session, 1965, is hereby amended to read as follows:

"(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on the receipt for a duly filed

application for Certificate of Title or for Corrected Certificate of Title or on a Certificate of Title or a duplicate thereof by a public official."

Section 4. Subdivision (b) of Subsection (1) of Section 9-401, Chapter 721, Acts of the 59th Legislature, Regular Session, 1965 (Uniform Commercial Code) is hereby amended to read as follows:

"§ 9-401. Place of Filing; Erroneous Filing; Removal of Collateral

(1) The proper place to file in order to perfect a security interest is as follows:

(b) when the collateral is goods which at the time the security interest attaches are or are to become fixtures, then in the office of the County Clerk in the county where the real estate concerned is located."

Section 5. Section 9-402(1), Chapter 721, Acts of the 59th Legislature, Regular Session, 1965 (Uniform Commercial Code) is hereby amended to read as follows:

"§ 9-402. Formal Requisites of Financing Statement; Amendments

(1) A financing statement is sufficient if it is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or goods which are or are to become fixtures the statement must also contain a description of the real estate concerned, and the name of the record owner thereof. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties. Each financing statement which covers goods which are or are to become fixtures must contain the following statement: 'Collateral is or includes fixtures.'"

Section 6. Section 9-402(3), Chapter 721, Acts of the 59th Legislature, Regular Session, 1965 (Uniform Commercial Code) is hereby amended to read as follows:

"(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor).....

Address

Name of secured party (or assignee).....

Address

1. This financing statement covers the following types (or items) of property:

(Describe)

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe Real Estate and give Name of Record Owner)

3. (If collateral is goods which are or are to become fixtures) The above described goods are affixed or are to be affixed to:

(Describe Real Estate and give Name of Record Owner)

4. (If proceeds or products of collateral are claimed) Proceeds—Products of the Collateral are also covered.

Signature of Debtor (or Assignor)

Signature of Secured Party (or Assignee)

Section 7. Subsection (4) of Section 9-403, Chapter 721, Acts of the 59th Legislature, Regular Session, 1965 (Uniform Commercial Code is hereby amended to read as follows:

"(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement. Where the financing statement bears the statement 'Collateral is or includes fixtures' or its substantial equivalent, the filing officer shall index the financing statement in a separate book endorsed 'Security Interests in Fixtures.' The filing of a financing statement bearing the above described statement perfects a security interest only in goods which are or are to become fixtures."

Section 8. Subsection (2) of Section 10-102, Chapter 721, Acts 59th Legislature, Regular Session, 1965 (Uniform Commercial Code), is hereby amended to read as follows:

"(2) Transactions validly entered into before the effective date specified in Section 10-101 of this Act and the

rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law repealed or modified by this Act as though such repeal or modification had not occurred. However, the perfection of a security interest, as defined in this Act (Section 1-201) and however denominated in any law repealed or amended by this Act,

(a) which as of June 30, 1966, was perfected as the result of a filing, refiling or recording under a law repealed by this Act and requiring a further filing, refiling or recording to continue its perfection, except a filing under Articles 5489, 5490, and 5498, Texas Civil Statutes of 1925, as amended, continues until and will lapse on the date provided by the law so repealed for such further filing, refiling or recording;

(b) which as of June 30, 1966, was perfected as the result of a filing, refiling or recording under a law repealed by this Act and requiring no further filing, refiling or recording to continue its perfection, including any transaction filed under Articles 5489, 5490, and 5498, Texas Civil Statutes of 1925, continues until and will lapse on July 1, 1969;

(c) which as of June 30, 1966, was perfected without any filing, refiling or recording, and for the perfection of which the filing of a financing statement would be required if this Act were applicable, continues until and will lapse on July 1, 1969;

unless a financing statement is filed by the secured party between January 1, 1968, and the lapse date provided in subdivisions (a), (b), and (c). The financing statement shall conform to requirements of Section 9-402, and be filed as required by Section 9-302, except that it is sufficient if signed only by the secured party, and shall contain the statement 'Already subject to a pre-code perfected security interest.' Such filing is effective for the period of time stated in Section 9-403 (2). Section 9-401(1) determines the proper place to file the financing statement."

Section 9. Section 10-102, Chapter 721, Acts 59th Legislature, Regular Session, 1965, (Uniform Commercial Code) is hereby amended by adding a new subsection to be known as subsection (3) which reads as follows:

"(3) Notwithstanding subsection (2):

(a) The perfection of a security interest, however denominated in any law repealed by this Act, which as of June 30, 1966, was perfected as the result of a filing, refiling or recording under a law repealed by this Act, and for the perfection of which, if this Act were applicable, no filing of a financing statement would be required, continues under this Act.

(b) A security interest, however denominated in any law repealed by this Act, which as of June 30, 1966, was not perfected but which could have been perfected by a filing, refiling or recording under a law repealed by this Act, and which, if this Act were applicable, could be perfected by the filing of a financing statement under this Act, may be perfected by the filing of a financing statement in accordance with this Act.

(c) A security interest, however denominated in any law repealed or modified by this Act, which as of June 30, 1966, was not perfected but which could have been perfected by the secured party's taking possession of the collateral under a law repealed or modified by this Act, and which, if this Act were applicable, could be perfected by the secured party's taking possession of the collateral, may be perfected by the secured party's taking possession of the collateral in accordance with this Act.

(d) A security interest which as of June 30, 1966, was perfected and the perfection of which was or is continued by the filing of a financing statement in accordance with subsection (2) is a perfected security interest which shall be deemed to have been perfected as of the time it was originally perfected.

(e) After December 31, 1967, no further filing may be made in accordance with any statute repealed by this Act, except a certificate of payment or other satisfaction or discharge."

Section 10. Section 1 of Chapter 195, Acts 52nd Legislature, 1951, as amended by Section 10-104(4), Chapter 721, Acts 59th Legislature, Regular Session, 1965 (Uniform Commercial Code) is hereby amended to read as follows:

"Section 1. APPLICATION OF LAW. The provisions of this Act

apply to mortgages, deeds of trust and other security instruments and agreements executed by and to secure the payment of bonds, notes, or other obligations of any person (See Section 1-201), engaged in this State in one or more of the following activities:

(a) the generation, manufacture, transmission or distribution and sale of electric energy and power;

(b) the transportation, distribution and sale through local distribution system of natural or other gas for domestic, commercial, industrial or any other use;

(c) the ownership or operation of any pipeline for the transportation or sale of natural gas, crude oil or petroleum products to other pipeline companies, refineries, local distributing systems, municipalities or industrial consumers;

(d) the provision of telephone or telegraph service to others;

(e) the production, transmission or distribution and sale of steam or water;

(f) the operation of a railroad; and

(g) the provision of sewer service to others."

Section 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend S. B. No. 459 by striking out all above the enacting clause and substituting in lieu thereof the following:

"A BILL TO BE ENTITLED

"AN ACT Amending Sections 9-302, 9-401, 9-402, 9-403, and 10-102 of Chapter 721, Acts of the 59th Legislature, Regular Session, 1965 (Uniform Commercial Code) and Section 1 of Chapter 195, Acts 52nd Legislature, 1951, as amended by Section 10-104(4) of Chapter 721, Acts of

59th Legislature, Regular Session, 1965; and declaring an emergency."

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

Senate Bill 459 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 459 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Parkhouse |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Watson |
| Hall | Wilson |
| Harrington | Word |
| Hazlewood | |

Nays—3

| | |
|----------|--------|
| Hardeman | Patman |
| Moore | |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Parkhouse |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Watson |
| Hall | Wilson |
| Harrington | Word |
| Hazlewood | |

Nays—3

| | |
|----------|--------|
| Hardeman | Patman |
| Moore | |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

Message From the House

Hall of the House of Representatives
Austin, Texas,
April 3, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 590 by a vote of 142 ayes, 0 noes.

The House has concurred in Senate amendment to House Bill No. 133 by a vote of 141 ayes, 0 noes.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 135, A bill to be entitled "An Act authorizing the Texas Board of Corrections to convey certain state-owned land held for the use of the State Department of Corrections to Samuel and Samuel in exchange for certain other land of equal acreage; and declaring an emergency."

S. B. No. 313, A bill to be entitled "An Act authorizing the State Board of Education to provide for the establishment and procedure for operation of Regional Education Service Centers under provisions hereof and Senate Bill 408, Acts of 59th Legislature (codified Article 2654-3d, V.T.C.S.) for providing educational services to school districts and coordinating educational planning in the region; authorizing the governing body of each such center to contract and to expend grants received from public and private organizations for purpose(s) contracted, pursuant to rules and regulations of the State Board of Education; providing a sev-

erability clause; and declaring an emergency."

Senate Bill 195 on Second Reading

The President laid before the Senate as unfinished business on its second reading and passage to engrossment S. B. No. 195 (the bill having been read second time on Tuesday, March 28, 1967 with an amendment by Senator Mauzy pending).

Question—Shall the amendment by Senator Mauzy to S. B. No. 195 be adopted?

Senator Wilson raised the Point of Order that the amendment was not germane to the bill.

The President sustained the Point of Order.

Question—Shall S. B. No. 195 be passed to engrossment?

Recess

On motion of Senator Aikin the Senate at 11:59 o'clock a.m. took recess until 2:00 o'clock p.m. today.

After Recess

Senator Herring called the Senate to order at 2:00 o'clock p.m. today.

Senate Bill 195 on Second Reading

The Senate resumed consideration of the pending business (same being S. B. No. 195 on its second reading and passage to engrossment).

Question—Shall S. B. No. 195 be passed to engrossment?

Senator Wilson moved to reconsider that portion of Senate Rule 60 relating to reconsideration so that he may reconsider the vote by which the amendment by Senator Reagan to S. B. No. 195 was adopted on Tuesday, March 28, 1967 (Senator Wilson having voted on the prevailing side).

The motion prevailed by the following vote:

Yeas—27

| | |
|----------|------------|
| Aikin | Connally |
| Bates | Creighton |
| Bernal | Grover |
| Berry | Hall |
| Brooks | Hardeman |
| Christie | Harrington |
| Cole | Hazlewood |

| | |
|-----------|----------|
| Herring | Ratliff |
| Hightower | Reagan |
| Jordan | Schwartz |
| Kennard | Watson |
| Mauzy | Wilson |
| Moore | Word |
| Patman | |

Nays—1

Parkhouse

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

Senator Wilson then moved to reconsider the vote by which the amendment by Senator Reagan to S. B. No. 195 was adopted.

The motion prevailed.

Question—Shall the amendment by Senator Reagan to S. B. No. 195 be adopted?

Senator Wilson offered the following amendment to the pending amendment by Senator Reagan:

Amend the pending amendment to S. B. No. 195 by adding the following words, "as defined in Manufacturing division of the Standard Industrial Classification Manual of the U. S. Bureau of the Budget" after the words "industrial enterprises" at the end of Sec. 2.(3).

The amendment was read and was adopted.

The amendment by Senator Reagan as amended was again adopted.

Senator Wilson offered the following amendment to the bill:

Amend S. B. No. 195 by striking Sec. 12. thereof and substituting the following, "Sec. 12. No bonds may be issued under authority of the Act unless the lease on the project acquired or to be acquired from the proceeds of the bonds has been approved by the Texas Industrial Commission. The Texas Industrial Commission has authority to establish criteria for an acceptable lease based on the economic feasibility of the project and the ability of the lessee to meet the contract commitments."

The amendment was read and was adopted.

Senator Wilson offered the following amendment to the bill:

Amend S. B. No. 195 by striking the semicolon at the end of Sec. 3.(a) (1) and adding the following "But limited to the county or counties contiguous to the authorizing county or if authorized by a city governing body the limits shall be within the county in which the city is located or in contiguous counties."

The amendment was read and was adopted.

(President in the Chair.)

Senator Mauzy offered the following amendment to the bill:

Amend S. B. No. 195 by adding to subparagraph (a) of Section 7 thereof the following:

"The governing body must also determine and find that the lessee has covenanted or will covenant in the lease not to abridge or deny employment or to discriminate in respect to working conditions by reason of race, sex, creed, national origin, or economic status."

The amendment was read.

Senator Wilson raised the Point of Order that the amendment was not germane to the caption of the bill.

The President sustained the Point of Order.

Senator Mauzy offered the following amendment to the bill:

Amend S. B. No. 195 by adding to subparagraph (a) of Sec. 6 thereof the following:

"Provided, however, that in every instance the consideration for the lease of the project shall be payable by the lessee periodically in cash, and each such payment shall equal at least 150% of the average debt service requirement for the bonds for the period covered by such payment."

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—10

| | |
|----------|-----------|
| Aikin | Mauzy |
| Grover | Parkhouse |
| Hardeman | Patman |
| Herring | Ratliff |
| Kennard | Watson |

Nays—14

| | |
|-----------|------------|
| Bates | Hall |
| Bernal | Harrington |
| Brooks | Hightower |
| Christie | Jordan |
| Cole | Schwartz |
| Connally | Wilson |
| Creighton | Word |

Absent

| | |
|-----------|--------|
| Berry | Moore |
| Hazlewood | Reagan |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

On motion of Senator Wilson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Parkhouse, Herring, Hall, Mauzy, Watson and Aikin asked to be recorded as voting "Nay" on the passage of the bill (S. B. No. 195) to engrossment.

Reports of Standing Committee

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,
April 3, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 296, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
April 3, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water

and Conservation, to which was referred S. B. No. 299, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

**Committee Substitute Senate Bill
386 on Second Reading**

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 386, A bill to be entitled, "An Act relating to the protection of Texas Tortoises (*Gopherus berlandieri*) from commercial exploitation; providing a penalty; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Committee Substitute Senate Bill
386 on Third Reading**

Senator Kennard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

(Senator Creighton in the Chair.)

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

**House Concurrent Resolution 78
on Second Reading**

The Presiding Officer laid before the Senate the following resolution:

H. C. R. No. 78, Extending congratulations to Mrs. A. D. Pickens.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 166 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 166, A bill to be entitled "An Act relating to the cost of artificial appliances furnished to employees by the Texas Employer's Insurance Association; amending Section 7-e, Article 8306, Revised Civil Statutes of Texas, 1925, as added; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 166 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that

S. B. No. 166 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

(President in the Chair.)

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committee indicated:

H. B. No. 465, to Committee on Counties, Cities and Towns.

H. B. No. 85, to Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Hightower by unanimous consent submitted the following report:

Austin, Texas,
April 3, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 235, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

(Senator Creighton in the Chair.)

Senate Bill 329 on Second Reading

Senator Watson asked unanimous consent to suspend the regular order of business and take up S. B. No. 329 for consideration at this time.

There was objection.

Senator Watson then moved to suspend the regular order of business and take up S. B. No. 329 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

| | |
|-----------|-----------|
| Aikin | Hightower |
| Bates | Kennard |
| Bernal | Moore |
| Berry | Parkhouse |
| Christie | Ratliff |
| Connally | Reagan |
| Creighton | Watson |
| Hazlewood | Wilson |
| Herring | Word |

Nays—8

| | |
|------------|----------|
| Brooks | Jordan |
| Cole | Mauzy |
| Grover | Patman |
| Harrington | Schwartz |

Absent

| | |
|------|----------|
| Hall | Hardeman |
|------|----------|

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 329, A bill to be entitled "An Act amending Sections 3, 4 and 5 of Article 21.14 of the Insurance Code of 1951, as amended, being Sections 3, 4 and 5 of Article 21.14 of the Acts of 1951, Regular Session, 52nd Legislature, Page 868, Chapter 491, so as to permit the licensing of corporations as local recording agents, providing the conditions and requirements for such licensing, making it unlawful for a corporation to act as a local recording agent without a license, making other licensing requirements applicable to corporations, making it unlawful for a corporation, or any officer, director, shareholder or

employee thereof to violate certain provisions of said Article 21.14, providing for the precedence of this act in cases of conflict, and declaring an emergency."

The bill was read the second time.

Senator Watson offered the following Committee Amendment to the bill:

Amend S. B. No. 329 by deleting all below the enacting clause and inserting in lieu thereof the following:

Section 1. Section 3 of Article 21.14 of the Insurance Code of 1951, as amended, of the Acts of 1951, 52nd Legislature, Page 868, Chapter 491, is hereby amended to read as follows:

"Section 3. Application for License; To Whom License May Be Issued.

"(a) When any person, firm or corporation shall desire to engage in business as a local recording agent for an insurance company, or insurance carrier, he or it shall make application for a license to the State Board of Insurance, in such form as the Board may require. If the applicant is a natural person or a partnership, such application shall bear a signed endorsement by a General, State or Special Agent of a qualified insurance company, or insurance carrier that applicant or each member of the partnership is a resident of Texas, trustworthy, of good character and good reputation, and is worthy of a license.

"(b) The Board shall issue licenses to firms or to individuals engaging as partners in the insurance business, provided the names of all persons interested in such firm are named in the license, and each named as active in the business of the partnership qualify, and it be established that none not active have interest in the partnership principally to have written and be compensated therefor for insurance on property controlled through ownership, mortgage or sale, family relationship, or employment; and provided further that all licensed agents must be residents of Texas. Provided, that a person who may reside in a town through which the State line may run and whose residence is in the town in the adjoining State may be licensed, if his business office is being maintained in this State. All persons acting as agent or solicitor for health and accident

insurance within the provisions hereof, and who represent only fire and casualty companies, and not life insurance companies, shall be required to procure only one license, and such license as is required under the provisions of this article.

"(c) The Board shall issue a license to a corporation if the Board finds:

"(1) That the corporation is a Texas corporation organized or existing under the Texas Business Corporation Act having its principal place of business in the State of Texas and having as one of its purposes the authority to act as a local recording agent; and

"(2) That every officer, director and shareholder (whether the record shareholder or beneficial shareholder) of the corporation is individually licensed as a local recording agent under the provisions of this Insurance Code or is a relative of the first or second degree (as that phrase is defined herein) of a shareholder of such corporation who is, or was during his lifetime, a licensed local recording agent, or a trustee or guardian for such relative of the first or second degree. As used herein, the term 'relative of the first or second degree' shall mean a spouse (or surviving spouse); a parent or grandparent; a child or grandchild; or a brother, sister, aunt, uncle, niece or nephew of the whole or half blood, adopted or adoptive; and

"(3) That such corporation will have the ability to pay any sums up to Twenty-Five Thousand Dollars (\$25,000.00) which it might become legally obligated to pay on account of any claim made against it by any customer and caused by any negligent act, error or omission of the corporation or any person for whose acts the corporation is legally liable in the conduct of its business as a local recording agent. The term 'customer' as used herein shall mean any person, firm or corporation to whom such corporation sells or attempts to sell a policy of insurance, or from whom such corporation accepts an application for insurance. Such ability shall be proven in one of the following ways:

"(a) An errors and omissions policy issued by an insurance company licensed to do business in the State of Texas insuring such corporation against errors and omissions in at least the sum of Twenty-Five Thousand (\$25,000.00) Dollars, with no

more than a One Thousand (\$1,000.00) Dollar deductible feature; or

"(b) A bond executed by such corporation as principal and a surety company authorized to do business in this State, as surety, in the principal sum of Twenty-Five Thousand (\$25,000.00) Dollars, payable to the State Board of Insurance for the use and benefit of customers of such corporation, conditioned that such corporation shall pay any final judgment recovered against it by any customer; or

"(c) A deposit of cash or securities of the class authorized by Articles 2.08 and 2.10 of this Code, having a fair market value of Twenty-Five Thousand (\$25,000.00) Dollars with the State Treasurer. The State Treasurer is hereby authorized and directed to accept and receive such deposit and hold it exclusively for the protection of any customer of such corporation recovering a final judgment against such corporation. Such deposit may be withdrawn only upon filing with the Board evidence satisfactory to it that the corporation has withdrawn from business, and has no unsecured liabilities outstanding, or that such corporation has provided for the protection of its customers by furnishing an errors and omissions policy or a bond as hereinafter provided. Securities so deposited may be exchanged from time to time for other qualified securities.

"A binding commitment to issue such a policy or bond, or the tender of such securities, shall be sufficient in connection with any application for license.

"Nothing contained herein shall be construed to permit any unlicensed shareholder, director, officer, employee or agent of any corporation to perform any act of a local recording agent without obtaining a local recording agent's license. The Board shall not require a corporation to take the examination provided in Section 6 of this Article 21.14.

"If at any time, any corporation holding a local recording agent's license does not maintain the qualifications necessary to obtain a license, the license of such corporation to act as a local recording agent shall be cancelled or denied in accordance with the provisions of Sections 16, 17 and 18 of this Article 21.14; however, any unlicensed shareholder, officer or director who does not qualify as

herein provided by being a relative of the first or second degree of a licensed local recording agent, but who acquired his shares by gift, devise or descent, shall have a period of ninety (90) days from date of acquisition within which to obtain a license as a local recording agent before the cancellation of such corporation's license. Each corporation licensed as a local recording agent shall file, under oath, a list of the names and addresses of all of its officers, directors and shareholders with its yearly application for renewal license.

"Each corporation licensed as a local recording agent shall immediately notify the State Board of Insurance upon any change in its officers, directors or shareholders.

"The term 'firm' as it applies to local recording agents in Section 2, 12 and 16 of this Article 21.14 shall be construed to include corporations."

Section 2. Section 4 of Article 21.14 of the Insurance Code of 1951, as amended, of the Acts of 1951, 52nd Legislature, Page 868, Chapter 491, is hereby amended to read as follows:

"Section 4. Acting Without License Forbidden.

"It shall be unlawful for any person, firm, partnership or corporation or any officer, director or shareholder of a corporation to act as a local recording agent or solicitor in procuring business for any insurance company, corporation, interinsurance exchange, mutual, reciprocal, association, Lloyds or other insurance carrier, until he or it shall have in force the license provided for herein."

Section 3. Sections 5 of Article 21.14 of the Insurance Code of 1951, as amended, of the Acts of 1951, 52nd Legislature, Page 868, Chapter 491, is hereby amended to read as follows:

"Section 5. Active Agents or Solicitors Only to be Licensed.

"No license shall be granted to any person, firm, partnership or corporation, either as a local recording agent or solicitor, for the purpose of writing any form of insurance, unless it is found by the State Board of Insurance that such person, firm, partnership or corporation, is or intends to be, actively engaged in the soliciting or writing of insurance from the public generally; that each person or individual of a firm is a resident of Texas, of good character and good reputation, worthy of a

license, and is to be actively engaged in good faith in the business of insurance, and that the application is not being made in order to evade the laws against rebating and discrimination either for the applicant or for some other person, firm, partnership or corporation. Nothing herein contained shall prohibit an applicant insuring property which the applicant owns or in which the applicant has an interest; but it is the intent of this Section to prohibit coercion of insurance and to preserve to each citizen the right to choose his own agent or insurance carrier, and to prohibit the licensing of an individual, firm, partnership or corporation to engage in the insurance business principally to handle business which the applicant controls only through ownership, mortgage or sale, family relationship or employment, which shall be taken to mean that an applicant who is making an original application for license shall show the State Board of Insurance that he or it has a bona fide intention to engage in business in which at least twenty-five per cent (25%) of the total volume of premiums shall be derived from persons or organizations other than applicant and from property other than that on which the applicant shall control the placing of insurance through ownership, mortgage, sale, family relationship or employment; and which shall be taken to mean, in the case of application for renewal of license, that at least twenty-five per cent (25%) of applicant's total volume of premiums, during the year preceding such application for renewal, shall have been derived from persons other than applicants and from property other than that on which the applicant controlled the placing of insurance through ownership, mortgage, sale, family relationship or employment. Nothing herein contained shall be construed to authorize a corporation to receive a license as a solicitor."

Section 4. Section 24 of Article 21.14 of the Insurance Code of 1951, as amended, of the Acts of 1951, 52nd Legislature, Page 868, Chapter 491, is hereby amended to read as follows:

"Section 24. Violation of Act.

"Any person or any member of any firm, or any corporation, or any officer, director, shareholder or employee of any corporation who violates any of the provisions of Section 4, 15 and 22 of this Article shall be

guilty of a misdemeanor, and on conviction in a court of competent jurisdiction, shall be punished by a fine of not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00)."

Section 5. Precedent of Act in Cases of Conflict.

The rights, power, authority and procedures created in the foregoing sections of this Act shall be deemed to be in addition to all of the rights, authorities and procedures now existing and conferred by the laws of the State of Texas, and any pre-existing Act which tends to hamper or limit the rights, authorities and procedures created in this Act shall be deemed to be superseded by the provisions hereof and, to the extent that any other law is in conflict with, or inconsistent with the provisions hereof, the provisions of the Act shall take precedence and be effective.

Section 6.

The provisions of this Act are hereby declared to be non-severable; and if any provisions, section, subsection, phrase or word of this Act, or the application thereof to any person, firm or corporation or circumstances is declared by a final judgment of a court of competent jurisdiction to be invalid, such invalidity shall affect and make invalid all other provisions and applications of this Act.

Section 7.

The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency, and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read.

(President in the Chair.)

Pending discussion by Senator Schwartz of the bill, he moved that further discussion of S. B. No. 329 be postponed until 11:00 o'clock a.m., on Tuesday, April 18, 1967.

Question on the motion to postpone, "Yeas" and "Nays" were demanded.

The motion to postpone was lost by the following vote:

Yeas—9

| | |
|------------|----------|
| Brooks | Kennard |
| Cole | Mauzy |
| Grover | Patman |
| Harrington | Schwartz |
| Jordan | |

Nays—18

| | |
|-----------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Moore |
| Christie | Parkhouse |
| Connally | Ratliff |
| Creighton | Reagan |
| Hall | Watson |
| Hardeman | Wilson |
| Hazlewood | Word |

Present—Not Voting

Berry

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The Committee Amendment was then adopted.

Record of Votes

Senators Schwartz and Patman asked to be recorded as voting "Nay" on the adoption of the above amendment.

Pending discussion by Senator Schwartz of the bill, Senator Wilson moved to reconsider the vote by which the Regular Order of Business was suspended to consider S. B. No. 329.

Senator Hardeman raised the Point of Order that the Motion to Reconsider was not a proper motion.

The President sustained the Point of Order, stating that:

"Suspension of the rules of the Senate is a purely procedural matter. A vote to suspend the rules is, therefore, not subject to reconsideration."

Pending further discussion by Senator Schwartz of the bill, Senator Patman moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

The motion to adjourn was lost.

Question—Shall S. B. No. 329 be passed to engrossment?

Senate Bill 200 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 200, A bill to be entitled "An Act making supplemental appropriation to the Comptroller of Public Accounts, repealing laws in conflict; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 200 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 200 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

| | |
|----------|-----------|
| Aikin | Cole |
| Bates | Connally |
| Bernal | Creighton |
| Berry | Grover |
| Brooks | Hall |
| Christie | Hardeman |

| | |
|------------|-----------|
| Harrington | Parkhouse |
| Hazlewood | Patman |
| Herring | Ratliff |
| Hightower | Reagan |
| Jordan | Schwartz |
| Kennard | Watson |
| Mauzy | Wilson |
| Moore | Word |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

Senate Bill 329 on Second Reading

The Senate resumed the consideration of the pending business (same being S. B. No. 329 on its second reading and passage to engrossment).

Question—Shall S. B. No. 329 be passed to engrossment?

Memorial Resolutions

S. R. No. 334—By Senator Watson: Memorial resolution for Mrs. H. F. (Louise) Bohmfalk.

S. R. No. 335—By Senator Watson: Memorial resolution for Postmaster Marcus Jud of Riesel.

S. R. No. 336—By Senator Watson: Memorial resolution for the Reverend William H. Cole.

S. R. No. 337—By Senator Watson: Memorial resolution for Tony Bartos.

S. R. No. 339—By Senator Watson: Memorial resolution for Mrs. Idamae Jenkins.

S. R. No. 340—By Senator Watson: Memorial resolution for John Vanous, Sr.

S. R. No. 341—By Senator Watson: Memorial resolution for Mrs. J. A. Jamison.

Welcome and Congratulatory Resolutions

S. R. No. 338—By Senator Watson: Extending congratulations to Mrs. Gertrude Schultz of Groesbeck on her 105th birthday.

S. R. No. 345—By Senator Bernal: Extending welcome to the San Antonio Council of PTA's.

S. R. No. 346—By Senator Bernal: Extending welcome to Seventh Grade

Pupils from Garner Junior High School of San Antonio.

S. R. No. 347—By Senator Harrington: Extending congratulations to AA State Championship Girls' Basketball Team of Little Cypress High School.

S. R. No. 348—By Senators Harrington and Wilson: Extending congratulations to AA State Championship Basketball Team of Hardin-Jefferson High School.

S. R. No. 349—By Senator Harrington: Extending congratulations to Mrs. Lorena Cotts Simon.

S. R. No. 350—By Senator Schwartz: Extending welcome to Girl Scouts from Pearland, Manvel, Brookside Village and Friendswood.

Adjournment

Senator Kennard moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote:

Yeas—16

| | |
|------------|-----------|
| Bernal | Herring |
| Brooks | Hightower |
| Christie | Jordan |
| Cole | Kennard |
| Grover | Mauzy |
| Hall | Patman |
| Harrington | Schwartz |
| Hazlewood | Wilson |

Nays—9

| | |
|-----------|---------|
| Aikin | Ratliff |
| Creighton | Reagan |
| Hardeman | Watson |
| Moore | Word |
| Parkhouse | |

Absent

| | |
|-------|----------|
| Bates | Connally |
| Berry | |

Absent—Excused

| | |
|-----------|------|
| Blanchard | Wade |
| Strong | |

Accordingly, the Senate at 3:30 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
March 31, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 313, "An Act authorizing the State Board of Education to provide for the establishment and procedure for operation of Regional Education Service Centers under provisions hereof and Senate Bill No. 408, Acts of the 59th Legislature (codified Article 2654-3d, V.T.C.S.) for providing educational services to school districts and coordinating educational planning in the region; authorizing the governing board of each such center to contract and to expend grants received from public and private organizations for purpose(s) contracted, pursuant to rules and regulations of the State Board of Education; providing a severability clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
March 31, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 135, "An Act authorizing the Texas Board of Corrections to convey certain state-owned land held for the use of the State Department of Corrections to Samuel and Samuel in exchange for certain other land of equal acreage; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

April 3, 1967

S. C. R. No. 14

S. C. R. No. 22

S. B. No. 313

S. B. No. 135

In Memory of
Henry E. Bell

Senator Parkhouse offered the following resolution:

(Senate Resolution 333)

Whereas, On March 19, 1967, the city of Dallas and the entire State of Texas lost an esteemed citizen with the death of Henry E. Bell, at the age of 73; and

Whereas, He was a native of Doniphan, Missouri, and before coming to Dallas to make his home some 12 years ago, he served the city of Doniphan as mayor; and

Whereas, In addition to his business and civic activities in Doniphan, he was a member of the Masonic Lodge there; and

Whereas, During his residency in Dallas, Mr. Bell served at one time as a security guard at the Mercantile National Bank; and

Whereas, His geniality and civic leadership will be greatly missed by his many friends and associates in both Dallas and Doniphan, and it is appropriate that the Senate of the 60th Legislature pay tribute to this outstanding man; now, therefore, be it

Resolved, That the Senate of Texas by this Resolution show honor and respect to the memory of Henry E. Bell and extend deep sympathy to the members of his family on their great loss: to his wife of Dallas; two daughters, Mrs. John R. Gateley and Mrs. Ellen B. Coulam of Dallas; and two sons, E. Burke Bell of Camden, Tennessee, and Howard G. Bell of Orlando, Florida; and, be it further

Resolved, That copies of this Resolution be prepared under the Seal of the Senate for his wife and children, and that when the Senate adjourns this day it do so in memory of Henry E. Bell.

PARKHOUSE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of Curtis Bishop

Senator Herring offered the following resolution:

(Senate Resolution 342)

Whereas, His family, friends, and professional associates, and youngsters throughout the land, suffered a great loss with the death of Austin's own Curtis Bishop, widely known newspaper writer and author of countless award-winning books on sports, on western lore, and many stories dear to the heart of a boy; and

Whereas, Death came suddenly to the 53-year-old writer on March 17, 1967, and his passing will create a void in the pages of fiction and non-fiction publications which relied on his prolific pen; and

Whereas, A native of Tennessee, he moved to Texas as a boy and became a newspaper reporter at 16; the column he formerly wrote for the Austin American-Statesman, entitled "This Day in Texas," awakened the interest of boy and man alike—and women too—in hitherto little-known history of the Lone Star State; and

Whereas, In 1961, he published "The Texas Daybook," a collection of historical events in the state, and his other historical writings included "The First Texas Ranger: Jack Hays"; and

Whereas, Many of his books were directed toward teen-age readers, appealing to the sports-minded with such titles as "Half Time Hero" and "Dribble Up"; and

Whereas, His published works included more than 50 books, and he was also the author of several hundred magazine articles; as a student at The University of Texas, he was twice editor of "The Ranger," student magazine; he was also sports editor of The Daily Texan, student newspaper; and

Whereas, He was a perennial honoree at the Texas Writers Roundup, was a winner of a Look Magazine award for a television play, and, intermittently, wrote special articles for newspapers throughout Texas; and

Whereas, He and his wife, the former Grace Eyres, settled in Austin in 1939; he was a former director of information for the Texas Employment Commission, but left the post some four years ago to join the staff of the General Land Office, where he served until his death as administrative assistant in public relations; and

Whereas, During World War II, he was with the Foreign Broadcast Intelligence Service in Latin America, and also served in the Pacific Theater of Operations; and

Whereas, The Senate of the 60th Legislature wishes to pay tribute to this outstanding citizen and author and to extend sympathy to the members of his family in their great loss; now, therefore, be it

Resolved, That the Senate of the State of Texas by this Resolution express appreciation for the life and service of Curtis Bishop, who, by his pen, instilled the principles of sportsmanship in his young readers, and brought color and enjoyment to the lives of many from all walks of life; and, be it further

Resolved, That copies of this Resolution, under the Seal of the Senate of Texas, be prepared for his wife and his four children—Barry, Barbee, Bryan and Burk Bishop; and be it further

Resolved, That when the Senate of Texas adjourns this day, it do so in memory of Curtis Bishop.

HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Oscar T. Martin, Sr.

Senator Herring offered the following resolution:

(Senate Resolution 343)

Whereas, Close friends, associates, and the many citizens of Austin who knew Oscar T. Martin, Sr., retired deputy US marshal and former Texas Ranger, were saddened by his death on March 15, 1967; and

Whereas, Mr. Martin, who died at the age of 84 after an interesting and useful life of service in law enforcement, retired as a deputy US marshal of the Western District of Texas in 1953, ending 12 years in that position; he served as a Texas Ranger for seven years; and in the earlier years of his life he was a deputy sheriff; for the past 12 years, until he became ill just a few months before his death, he was a bailiff in the 126th District Court under Judge Jack Roberts; and

Whereas, He was a member of the Ward Memorial Methodist Church and the Ex-Texas Rangers Association; and

Whereas, He spent his entire life either in law enforcement or farming, and was born on a farm in Travis County near Onion Creek; the family land on which he farmed is now encompassed by Bergstrom Air Force Base; and

Whereas, The Senate of the 60th Legislature wishes to pay tribute to this outstanding citizen and law enforcement officer, who gave so generously of himself in service to his state and community; now, therefore, be it

Resolved, That the Senate of the State of Texas by this Resolution show honor and respect to Oscar T. Martin, Sr., and extend deep sympathy to the members of his family on their great loss: to his sons, Travis County District Clerk O. T. Martin, Jr., and Clyde Martin of Baytown; his two sisters, Mrs. L. L. Walker of Texarkana, Arkansas, and Mrs. R. C. McCullough of Houston; and his grandson, Thomas W. Martin of Baytown; and, be it further

Resolved, That copies of this Resolution be prepared for his two sons, and that when the Senate adjourns this day it do so in memory of Oscar T. Martin, Sr.

HERRING

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.